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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x
	:
MALLINCKRODT INC.,	:
	:
	: Civil Action No. 10-6424 (FSH) (PS)
	:
Plaintiff,	: Honorable Faith S. Hochberg, U.S.D.J.
	:
v.	:
	:
WATSON LABORATORIES, INC. –	:
FLORIDA, WATSON PHARMA, INC., and	:
WATSON PHARMACEUTICALS, INC.,	:
	:
	:
Defendants.	:
	:
_____	x

**STIPULATION AND ORDER DISMISSING WITHOUT PREJUDICE DEFENDANTS
WATSON PHARMACEUTICALS, INC. AND WATSON PHARMA, INC.
AND AMENDING CAPTION TO REFLECT SAME**

This stipulation is made by and between (i) Mallinckrodt Inc. (“Mallinckrodt” or “Plaintiff”); and (ii) Watson Laboratories, Inc. – Florida (“Watson Labs”), Watson Pharmaceuticals, Inc. (“Watson Pharmaceuticals”), and Watson Pharma, Inc. (“Watson Pharma”) (collectively, “Watson Defendants”).

WHEREAS, Plaintiff filed suit against the Watson Defendants in the above-captioned case (the “Action”);

WHEREAS, Watson Pharmaceuticals and Watson Pharma maintain that they are not proper defendants in the Action, and Watson Labs maintains that it is not subject to personal jurisdiction in New Jersey for the Action;

WHEREAS, Plaintiff disagrees with the positions of the Watson Defendants stated above;

WHEREAS, resolution of such disagreement by motion practice will consume time and expense that Plaintiff and the Watson Defendants wish to avoid by entering into this stipulation;

NOW THEREFORE, Plaintiff and the Watson Defendants, by and through their respective undersigned counsel in the Action, and subject to the approval of the Court, stipulate and agree as follows:

1. Watson Pharmaceuticals and Watson Pharma, including all affiliates or subsidiaries thereof (collectively “WATSON PHARMACEUTICALS AND PHARMA”) agree to be bound by any judgment or order, including any injunction, rendered as to Watson Labs in the Action (including appeals) as if they were named defendants and WATSON PHARMACEUTICALS AND PHARMA agree that they will not contest personal jurisdiction in this Court for purposes of enforcing any such judgment or order against them.

2. WATSON PHARMACEUTICALS AND PHARMA agree that, to the extent they have in their possession, custody or control information that would be discoverable in the Action were they to remain as parties to the Action, they will search for and provide such discovery to Watson Labs, and Watson Labs will produce such discovery in response to discovery requests served on Watson Labs in the Action as if it was its own. Plaintiff may depose employees of WATSON PHARMACEUTICALS AND PHARMA by serving deposition notices on Watson Labs, without need for service of subpoenas. Watson Labs will also accept Rule 30(b)(6) deposition notices containing topics directed to information that may be held by WATSON PHARMACEUTICALS AND PHARMA and the witness presented in response thereto shall investigate information in the possession, custody, or control of WATSON PHARMACEUTICALS AND PHARMA. WATSON PHARMACEUTICALS AND PHARMA further agree to be bound by resolution of discovery matters in this Action. For clarity, this paragraph does not constitute a waiver of any objections or defenses to the provision of discovery that are available to parties to an action under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or any other applicable authority.

3. Watson Labs agrees that it will not contest personal jurisdiction for purposes of the Action and, as such, will not move to dismiss the Action on grounds that the District Court for the District of New Jersey lacks jurisdiction over Watson Labs for purposes of the Action. Watson Labs also agrees that it will not contest venue in the District of New Jersey in the Action and, as such, will not move to change the venue of the Action. Watson Labs further agrees that it will provide in the Action such discovery from WATSON PHARMACEUTICALS AND PHARMA as agreed to by them in paragraph 2 above.

4. Plaintiff hereby dismisses without prejudice the claims as to Defendants Watson Pharmaceuticals, Inc. and Watson Pharma, Inc., but not as to Watson Labs, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

5. The terms of this stipulation are made without prejudice to the respective positions of Plaintiff and the Watson Defendants as to whether Watson Pharmaceuticals and Watson Pharma are proper defendants in the Action, and whether Watson Labs is subject to personal jurisdiction in New Jersey. The terms of this stipulation also cannot be used by Plaintiff or the Watson Defendants to argue for or against jurisdiction in the future, except as expressly provided in paragraphs 1 and 3, above.

6. The case caption for the Action should be amended to remove Watson Pharmaceuticals, Inc. and Watson Pharma, as follows:

_____	x	
MALLINCKRODT INC.,	:	
	:	Civil Action No. 10-6424 (FSH) (PS)
	:	
Plaintiff,	:	Honorable Faith S. Hochberg, U.S.D.J.
	:	
v.	:	
	:	
WATSON LABORATORIES, INC. –	:	
FLORIDA,	:	
	:	
Defendant.	:	
	:	
_____	x	

Respectfully submitted,

s/ Thomas R. Curtin

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Dated: February 8, 2011

s/ James S. Richter

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*Attorneys for Defendants Watson Laboratories,
Inc. – Florida, Watson Pharmaceuticals, Inc.,
and Watson Pharma, Inc.*

Dated: February 8, 2011

SO ORDERED this 10th day of February, 2011.



THE HONORABLE FAITH S. HOCHBERG
United States District Judge